United Nations A/64/541–S/2009/600

General Assembly
Security Council

Distr.: General
20 November 2009

Original: English

General Assembly
Sixty-fourth session
Agenda item 14
Protracted conflicts in the GUAM area and their implications for international peace, security and development

Security Council
Sixty-fourth year

Identical letters dated 18 November 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit the statement of the Ministry of Foreign Affairs of Georgia dated 12 November 2009 on the eighth round of the Geneva discussions, held on 12 November 2009 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the sixty-fourth session of the General Assembly, under agenda item 14.

The identical letter has been sent to the President of the Security Council.

(*Signed*) Alexander **Lomaia**
Permanent Representative

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Annex to the identical letters dated 18 November 2009 from the Permanent Representative of Georgia to the United Nations addressed to the Secretary-General and the President of the Security Council

Statement of the Ministry of Foreign Affairs of Georgia

The eighth round of the Geneva talks was held on 11 November 2009, where the issues of security and stability in Georgia's occupied Abkhazia and the Tskhinvali region and the return of refugees and internally displaced persons were discussed. Meetings of the two working groups were held, in which the participants took part in an individual capacity. The Head of the provisional administration of the former South Ossetian Autonomous District, Mr. Dimitri Sanakoev, and the Chairman of the Government of the Autonomous Republic of Abkhazia, Mr. G. Baramia, took part in the eighth round of the Geneva talks. Deliberations were moderated by the United Nations, the European Union (EU) and the Organization for Security and Cooperation in Europe (OSCE) and attended by representatives of Georgia, the United States and the Russian Federation. Representatives of the proxy regimes also participated in the working groups.

The main issue of discussion in the first working group was the release of the four Georgian teenagers detained on 4 November 2009 by the Russian occupational forces. The youngsters are currently held hostage by the Tskhinvali proxy authorities. The co-moderators shared the extreme concern of the Georgian side on this outrageous issue, which requires immediate solution.

Unfortunately, the Russian occupational forces and the proxy authorities of Tskhinvali continue to disregard their commitments, which they have undertaken within the framework of the Incident Prevention and Response Mechanism, to allow free crossing of the occupation line by the local residents. In order to prevent such incidents in the future, the co-moderators distributed a document which describes their views on how the movement across the occupation line could be regulated. This document will be discussed at the next meeting of the Geneva discussions. The co-moderators also distributed a document on joint visits under the Incident Prevention and Response Mechanism and called upon the participants to explore all the opportunities provided by the Incident Prevention and Response Mechanisms, in order to avoid incidents in the future.

The Georgian participants once again raised the issue of the necessity of full implementation of the 1 August 2008 Ceasefire Agreement and the unconditional withdrawal of the Russian forces from the occupied regions of Georgia. It was also stressed that access of the international organizations, particularly the EU Monitoring Mission, to the occupied territories is essential in ensuring stability and transparency in these regions. It is noteworthy that all the participants in the Geneva talks, except the representatives of the occupant power and its proxy regimes, share these positions and are interested in full implementation of the Ceasefire Agreement and in an increased international presence.

Furthermore, the participants of Working Group I discussed the elements of the framework on international security arrangements, one component of which is reiteration of an obligation on the non-use of force. Despite the strong resistance of the Russian side and the representatives of the proxy regimes, the co-moderators

will continue looking for common ground on the document currently under discussion. The Georgian side believes that the document currently under discussion is a good starting point and would like to commend the co-moderators for taking robust steps in the right direction. It seems extremely unfortunate and cynical that after having been requesting the conclusion of the non-use of force agreement with Georgia for quite a long period of time, Russia is now resisting the proposed elements, which envisage reiteration of the commitment not to use force and a complex set of measures aimed at ensuring security on the ground through international security arrangements.

Working Group I also reviewed the work of the Incident Prevention and Response Mechanism. It is very unfortunate that with Moscow's guidance, the Tskhinvali proxy authorities are attempting to undermine the Incident Prevention and Response Mechanism format. Even though the Incident Prevention and Response Mechanisms have failed to solve the most existential security problems, we still believe that they represent a good instrument for dispelling tensions in the future. Unfortunately, there is a clear attempt by the occupation forces and the proxy authorities from Tskhinvali to stall the work of the mechanism.

In Working Group II, participants continued to discuss a set of comprehensive measures proposed by the co-moderators aimed at undertaking joint steps to ensure safe and dignified return of the internally displaced persons and refugees. Here too, the position of Moscow and of the proxy authorities was extremely negative and cynical. They continue to link the launching of the process of return with signing of the non-use of force document and progress within Working Group I, which is stalled precisely due to their unconstructive position. This represents a vivid continuation of their decades-long policy aimed at hindering the process of return at all costs. Even though the discussions will continue during the next round, it seems unlikely that substantial steps will be made in this respect, unless the Russian occupational forces and the proxy regimes revise their inhuman positions.

Also within the framework of Working Group II, the participants discussed the situation with regard to the provision of the basic utilities — water and gas — to the war-affected population around the Tskhinvali region and in the occupied Akhalgori district. Despite the willingness of the Georgian side to overcome the differences in a mutually acceptable way, with the involvement of OSCE and independent experts and through bypassing the politicized positions, it seems to us that Russia and its proxy authorities of Tskhinvali are not interested in improving the livelihood of those who reside on the occupied territories.

The participants in both working groups took time to review the report of the International Independent Fact-Finding Mission on the Conflict in Georgia (Tagliavini report). The Georgian side distributed a document in which it outlined the major findings of the report. The attention of the participants was drawn to the conclusions of the report about the ethnic cleansing of Georgians during and after the August 2008 war; massive violations of human rights and humanitarian law; refutation of the claim that genocide was committed against ethnic Ossetians; the assertion that Russia prepared a military operation and that mercenaries and Russian regular, non-peacekeeping troops were deployed in the Tskhinvali region prior to the outbreak of the major hostilities; Russia's large-scale military operation on the territory of Georgia and particularly in Abkhazia was a violation of international law; Russia's policy of passportization was illegal; Russia's role in the peace

process prior to the August 2008 war was unconstructive and counterproductive; and that recognition of the "independence" of Georgia's inalienable, occupied regions violates international law.

Obviously, Russia and its proxy regimes did not agree with these findings of the Commission and attempted to highlight only the part of the report concerning the events of the night of 7/8 August. Nevertheless, participants in Working Group I were reminded that the report clearly states that the "shelling of Tskhinvali ... was only the culminating point of a long period of increasing tensions, provocations and incidents" and that "any explanation of the origins of the conflict cannot focus solely on the artillery attack on Tskhinvali on the night of 7/8 August ... The evaluation also has to cover the run-up to the war during the previous years and the mounting tensions in the months and weeks immediately preceding the outbreak of hostilities". Unfortunately, representatives of the occupational power and its proxy regimes, again, did not give an answer as to whether they agree with the main findings of the Tagliavani report and with the observations and recommendations contained in the final part of Volume I of the report.

The participants agreed to hold the ninth round of the Geneva discussions on 28 January 2010.

Tbilisi, 12 November 2009